App. F. IX-4

Previous References.

1948-49
(CR)

File No. 360-48

Serial Nos. 1

Later References.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. nil

Part B for Dec 48

SUBJECT.

Representation of Sri D. Srinivasa Iyengar. Retd Commissioner of Excise and Income tax.

Intvw D.O No. 3931/CO dated 10-12-49 to D. Srinivasaiyengar. Retd Commr of Excise and Income tax.

Representation of Sri. D. Srinivasa Iyengar, Retd. Commr. of Excise

General and Revenue Secretariat | File No. of Excise of 1944. Income Tax.

Serial No.

3078
C.B.

Representation dated 15th Nov. 1948 from Sri. D. Srinivasa Iyengar, Retd. Commr. of Excise and Income tax in Mysore, requesting to reconsider his case.

1) Minute of the Home Minister on it.
2) Chief Secy.

please put up References.

(Sd) T.M. 15/11.

3) The following collections are submitted for kind perusal.

i) C.B. 75-35-6 (C.C. 30 of 35) relating to grant of leave to Sri. D. Srinivasa Iyengar, preparatory to retirement

ii) C.B. 118-36-102. (C.C. 30 of 36) relating to the representation of Sri. D. Srinivasa Iyengar for reinstatement to Service.

iii) C.B. 66-40-102 relating to the representation of Sri. D. Srinivasa Iyengar for reinstatement to Service.

iv) C.B. 51-46-1 relating to the representation of Sri. D. Srinivasa Iyengar, for re-employment as Trade Commissioner for Mysore in London.

Kind reference is invited to the Submission Note to H.H. dated 3rd May 1946

4) Sri. D. Srinivasa Iyengar joined Service in Dec 1906 and was due to retire from service on 30th Sept 1944

Note—Contn. Sheet

Sri. D. Srinivasa Iyengar, Rtd

File No. Commr & Excise and Income tax of 194 . General and Revenue Secretariat

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On may 1936, on his own request Sri. D. Srinivasa Iyengar was granted 9 months Combined leave with effect from 18th May 1936 and permitted to retire on the expiry of the leave vide G.O. No. 2482-83/C-B 15-35-6 dated 8th May 1936. Flag-R. (C.C. 30435)

Subsequent requests of Sri. D. Srinivasa Iyengar for reinstatement in Service were received and dealt with on the ground that the orders were passed on his own initiative and in accordance with his own written request submitted with reference to para 1 supra (Minister's minute).

Nos 2) The facts of the case in brief are as following:-

30.11.48. 3) In this letter dated 29-4-1936, Sri D. Srinivasa Iyengar applied for the grant of three months' privilege leave from 25th May 1936. In this second letter dated 30th April 1936 he stated that he would prefer to take leave and retire from Service rather than serve again in the Deptt of Land Records. He also requested that he might be given extra-ordinary leave on full pay till the date of his superannuation and retired thereafter. The date of his superannuation being 30-9-1940, his request amounted to the grant of Flag H. Flag S.

Serial No.

of leave on full pay for a period of 4 years and 5 months nearly. He also cited the instance of Sri H.A. Narayana Iyengar who was shown some concession in the matter of leave preparatory to retirement. Sri Narayana Iyengar was given leave for a total period of 2 years one month and 27 days against a maximum limit of 2 years that was admissible under the rules then in force. A period of 4½ months at the end of the period was granted as leave on full pay against furlough on half pay that was at his credit at the time. At the time when the question of grant of leave to Sri Srinivasa Iyengar was under consideration, the leave rules had been revised limiting the maximum period of leave to 9 months. Sri Srinivasa Iyengar was given 9 months leave — 3 months privilege leave, 3 months furlough on full pay and 3 months furlough on half pay, relaxing the restriction for the grant of leave in excess of 3 months and he was permitted to retire from service at the end of the leave.

(2) He again submitted a representa-

Note.—Contn. Sheet

representation in June 1936 requesting reconsideration of Govt order granting him 9 months leave with permission to retire at the end of the leave. But Sri Srinivasa Iyengar was informed in this office letter No. 2900/C.B. dated 19th June 1936 that Govt very much regret that it was impossible to reconsider the Govt order which was passed on his initiative and in accordance with his own Written request. He was also informed that he has been given the maximum leave permissible under the M.S.R waiving the restrictions of the economy order and that that Govt order was final. flag P. flag N.

In this letter dated 23-1-1937 he stated that a wrong impression has been created that he was prematurely retired at his own request etc. and he was informed that it was not possible to re-open this case (Nodl letter No. 1833/C.B. 75-35 dated 28-1-1937) flag M. (file C.B. 118-36-12). flag L (file C.B. 118-36-12).

In reply to this memorial enclosed with his letter dated 28.1.1937 addressed to the Dewan. Sri Srinivasa Iyengar was informed that the memorial contains so many misstatements of flag A (file C.B. 118-36-12).

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of facts that the Dewan regrets he cannot possibly submit it to H. H. either with this support as represented by him or even without it. It was also stated that he was at liberty to submit it direct to H. H. if he thought that there was still any hope of re-instatement in Service. (vide letter No. 1892/ C/S. 118-36-2 dated 3-2-1937. ~~[illegible]~~

~~[illegible]~~ (~~[illegible]~~ (12) to D.O. letter No. 1942 dated 23-9-40 from the Dewan addressed to the Pri Secy to H. H. the Maharaja forwarding for H. H. information copies of a letter & its enclosure received from Sri D. Srinivasa Iyengar in regard to his representation for being taken back into Service, it is stated as follows:-

"...The gentleman is 55 now. His official career was throughout an inglorious one."

His subsequent representations were ordered to be filed (vide C/S. file No. 66-40 (1-2) and No. 57-46)

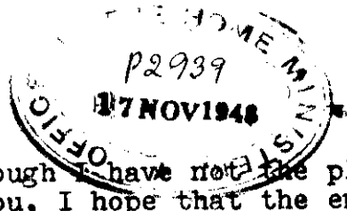
13. Sri D. Srinivasa Iyengar retired from Service with effect from 18-5-1937.

Note.—Contn. Sheet

3078 - CB

D. SRINIVASA IYENGAR, B.A.,
Retd. Commr. of Excise &
Income-Tax in Mysore.

9, Krishna Road,
Basavangudi P.O.,
Dated Nov. 15, '48.



Dear Sir,

Although I have not the pleasure of knowing you, I hope that the enclosed note may be kindly and sympathetically perused by you. It is the copy of a note which I have submitted to the Chief and Financial Ministers. Being essentially an appeal for justice I request that the representation will not fail to win your kind support.

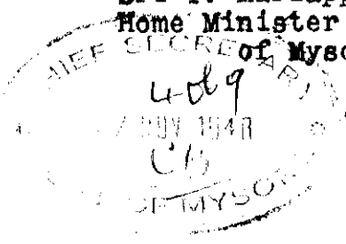
I have already prayed for a personal hearing and at that I will produce the -- relevant papers which will clearly explain the note and prove the points which I have not touched upon in detail.

With kind regards,

Chief Secy
please put up
Refer

Yours sincerely,
D. Srinivasa Iyengar

Sri T. Mariappa,
Home Minister to the Govt.,
of Mysore, BANGALORE.



4-11-9
15/11
16/11

N O T E :

In 1906 Mr. N. Madhava Rau and myself among others sat for the Mysore Civil Service Examination. I passed higher than he and was appointed to the Civil Service. He appeared again for the 1907 examination, obtained and necessary rank and entered service. Ever since then I was always his senior and about 1932 I became Excise Commissioner much before he was made Revenue Commissioner. As Deputy Commissioner, Survey Superintendent, Excise and Income-Tax Commissioner I had done good work which had been commended by the Government itself, in particular by the Dewan, more than once. As Survey Superintendent, I had devised new methods of field and computation work and increased the output of work from about 65 to 220 survey numbers per month. As Deputy Commissioner I had earned the good opinion of the Dewan on many occasions both verbally and in writing. After that in the Excise Department I showed marked increase in revenue by breaking down the monopoly of certain big contractors. In Income-tax Department I detected leakages not noticed by my predecessors and in K.G.F. alone a recurring annual loss of Rs 50,000/- by way of refund to the Companies was saved to Government, not to mention many other important cases. In spite of this when a vacancy arose in the Executive Council I was superseded and the place was given to Mr. N. Madhava Rau. I very reluctantly mention his name in order to relate the facts and I wish categorically to state at the outset that I make no complaint or accusation whatever against my old friend. Only he was lucky where I was not.

I felt my misfortune very keenly but as if to add insult to injury I was asked to go back to the Survey Department for the third time and that too after the Survey Superintendent's place had been made a dumping ground for incompetent officers not wanted elsewhere. Heart-sick at all this hardship and humiliation I was compelled to apply for extra-ordinary long leave on full pay to the normal end of my service viz., 30th September 1940.

The application might have been either granted or refused. But the Government mis-construed it, and gave me leave for six months and three months furlough on half average salary and ordered my immediate retirement. I pointed out that this was contrary to my prayer which should be granted as made by me or that I might be kept on service, as I was fully entitled to, seeing that there was no ground for my immediate premature retirement compulsorily and there was no application before Government for such voluntary retirement (my letter dated 14th June 1936 to the Chief Secretary). There had been no question of any wrong-doing on my part, as I had admittedly done good work commended by the Government itself and the Dewan on more than one occasion.

The Chief Secretary sent a reply that ' the matter could not be reopened '. It is doubtful if my letter was fully considered in the Executive Council, according to the Secretariat Rules though I was a High Gazetted Officer (Council matter - vide Secretariat Rules of Procedure). I wrote again to the Chief Secretary on 23-1-1937 that my prayer was not to be construed as one for immediate retirement and that I should not be sent out of the Service on a wrong interpretation of it.

I applied in 1937 and 38 to the late Maharaja but got nothing out of the representation. I represented the matter to His Highness the present Maharaja in 1940 in person at the

~~Bangalore~~

Bangalore Palace, who received my representation cordially and said that he would look into the same. I renewed my prayer to His Highness in two reminders submitted in 1941 and 1942.

At this time there was the general upheaval in the country due to the ' Quit India ' Movement and continued strain of War. I also had to go through many family calamities and bereavements including my own serious illness. However, this my present application is fully in time, as time cannot run against me when my representations were pending before the authorities. Also, the Government have laid down as their guiding principle that all claims against them, however old would be judged on the merits and the Government would not invoke the limitation laws to escape their liability (vide Art. 11(f) pp.15 of the Civil Account Code).

A fully Democratic Government is now in power in Mysore for the first time and I feel sure that they will set right all genuine grievances and mete out impartial justice to high and low alike, inspired by the noble ideals of Mahatma Gandhi and the National Congress. I would only instance, among innumerable other cases the action taken by the present Hyderabad Government which is reinstating all the officials who had been superseded, dismissed or driven out of the State by the previous Razakar-led Ministry.

Without complaint or enquiry and without compensation I was virtually driven out of Service, alone and friendless, 4½ years before my term, while my colleagues and juniors were honoured and promoted. I, therefore, humbly but confidently appeal for justice and sympathy and pray that the loss I have been put to may be made good to me. Alternatively, I am prepared to accept any temporary post for the same period, befitting my old rank and status.

-=:|oOo|:=-

3931/CB

December 10, 1948.

(Dear Sir)

I am desired to acknowledge the receipt of your representation dated 15th November 1948 addressed to the Home Minister requesting re-consideration of your case and to state that it is very much regretted that it is too late to reopen this question.

(Yours sincerely)

Sri D.Srinivasa Iyengar, B.A.,
Dete.Commissioner of Excise and Incometax
in Mysore,
9, Krishna Road, Basavanagudi P.O.,
Bangalore City.

5

G. R. S, App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft from.*)

D. O. No.

Sir,

(Dear ~~Sri. Srinivasa Iyengar~~,)

I am desired to acknowledge the receipt of your representation dated Nov. 15th 1948 addressed to the Hon'ble Minister requesting reconsideration of your case and to state that it is very much regretted that it is too late to reopen this question.

Yours sincerely

Chief Secy to Govt.

scmR 8/12/48

Sri. D. Srinivasa Iyengar, B.A
Retd. Commr. of Excise and Inamdar in Mysore
9, Krishna Road,
Basavangudi P.O.,

8.12.48

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